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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,507

04/20/2005

Jonathan Alexander Terrett

2543-1-039PCT/US

2619

23565 7590 01/04/2007  
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EXAMINER

AEDER, SEAN E

ART UNIT

PAPER NUMBER

1642

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/510,507

Applicant(s)

TERRETT, JONATHAN  
ALEXANDER

Examiner

Sean E. Aeder, Ph.D.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

The Amendments and Remarks filed 10/6/06 in response to the Office Action of 7/12/06 are acknowledged and have been entered.

Claim 11 was pending.

Claim 11 has been amended by Applicant.

Claims 21-22 have been added by Applicant.

Claim 11 is currently under examination.

The text of those sections of Title 35 U.S.C. code not included in this Office Action can be found in a prior Office Action.

The following Office Action contains NEW GROUNDS of rejections based on new considerations.

***Objections Withdrawn***

The objection to claim 11 is withdrawn in view of amendments.

***Rejections Withdrawn***

The rejection to claim 11 under 35 U.S.C., second paragraph, is withdrawn in view of amendments.

The rejection of claim 11 under 35 U.S.C., first paragraph, for failing to comply with the written description requirement, is withdrawn in view of amendments.

The rejection of claim 11 under 35 U.S.C., first paragraph, for failing to comply with the enablement requirement, is withdrawn in view of the teachings of Au-Young et al (WO 01/07612 A2; 2/1/01).

***New Rejections based on New Considerations***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Au-Young et al (WO 01/07612 A2; 2/1/01).

Claim 11 is drawn to a method of inhibiting tumor cell growth comprising administering a therapeutically effective amount of an antibody to a RAIG1 polypeptide consisting of SEQ ID NO:1. Claim 21 is drawn to the method of claim 11 wherein the antibody is monoclonal, polyclonal, chimeric, or bispecific. Claim 22 is drawn to the method of claim 11, wherein the antibody is conjugated to a therapeutic moiety, detectable label, secondary antibody or a fragment thereof, a cytotoxic agent or cytokine.

Au-Young et al teaches a polypeptide, SEQ ID NO:21, that is 100% identical to instant SEQ ID NO:1 (see attached sequence comparison). Au-Young et al further teaches producing antibodies which specifically bind SEQ ID NO:21 (page 38 lines 24-

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28, in particular). Au-Young et al further teaches administering a therapeutically effective amount of said antibodies to treat various cancers which one of skill in the art would recognize are characterized by the presence of tumors (pages 36-38, in particular). Au-Young et al further teaches said method wherein the antibody is polyclonal, monoclonal, chimeric, single chain, Fab fragments, and fragments produced by a Fab expression library (see lines 25-28, in particular). Au-Young et al further teaches said method wherein the antibody is conjugated to a detectable label (page 48 line 23-24, in particular) or therapeutic moiety (page 38 lines 9-11, in particular).

### ***Summary***

No claim is allowed.

### ***Conclusion***

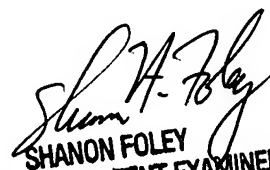
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Aeder, Ph.D. whose telephone number is 571-272-8787. The examiner can normally be reached on M-F: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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